UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,944	12/31/2001	Lee Friedman	36968/258393 (BS01154)	2142

23552 7590 04/20/2005	EXAMINER
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	ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402-0903	2174	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/038,944	FRIEDMAN, LEE
	Examiner	Art Unit
	Ryan F Pitaro	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-82* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-82* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This communication is responsive to Amendment A, filed 1/24/05.

2.   Claims 1-82 are pending in this application. Claims 1,24,32,45,58, and 70 are in independent form. In the Amendment A, Claims 1-82 were amended. This action is made Final.

Claim Rejections - 35 USC § 103

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4.   Claims 1, 2, 5, 6, 10-23, 32, 33, 36, 38-40, 43-47, 52, 53, 57-59, 62, 64-66, 69-72, 77, 78, 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) in view of Windows Media Player 7 ("wmp7").

As per independent claim 1, Kullick discloses a client receiver for receiving remote data from a remote device (Column 3 lines 59-65), where the remote data includes remote program modules (Column 4 lines 30-36) and remote media format access data that corresponds to a set of remote media formats (Column 4 lines 22-27); a client storage unit for storing client data, the client data further comprising: a roster of client media formats that are accessible by the system (Column 16 lines 19-25); wherein received remote media format access data is stored as client media format access data, and received remote program modules are stored as client program modules (Column 4 lines 30-36);a client transmitter for transmitting client data to the

remote device (Column 3 lines 25-32); wherein client data sent by the transmitter to the

remote device includes status information that indicates the status of the client data

(Column 6 lines 54-61); and a client processor for executing any of the set of client

program modules and for using the client media format access data to access the

content of media files (Column 4 lines 11-15). Kullick fails to distinctly disclose a single

interface, a set of media formats, a set of program modules, and wherein the set of

client media format access data comprises at least one codec and wherein the at least

one codec is used to access the content of the media without associating the client

media formats with the client program modules; however, wmp7 teaches a system for

accessing the content of various types of media files using a single interface (Figure 4).

Wmp7 also teaches a set of client media format access data (Figure 2 item 210) and a

set of client program modules (Figure 6; *wherein modules include media player,

equalizer, track list*). Wmp7 also teaches access the content of the media files (Figure

8) without associating the client media formats with the client program modules (As

seen as in Figure 8 a file is opened through the media player and the file is of type .mp3

and is associated with another program (Winamp), but is still accessed and played

through media player (Figure 9)). Therefore it would have been obvious to an artisan at

the time of the invention to combine the system of Kullick with the interface and sets of

formats and modules of Media player 7. Motivation to do so would have been to

organize the formats, modules, and all other data so they could easily be accessed.

As per claim 2, which is dependent on claim 1, the modified Kullick fails to disclose a client receiver, which automatically downloads a format when an unrecognized format is accessed. However, wmp7 teaches a system for receiving remote data from a remote device when the system encounters a media file that has a media format from a remote device when the system encounters a media file that has a media format that is not present in the roster of client media formats, and where the remote data includes remote media format access data that enables the system to access the content of the encountered media file. (Figure 2 item 10;*automatically download codecs when an unrecognized format is encountered*). Therefore, it would have been obvious to an artisan at the time of the invention to combine the system of the modified Kullick with the teaching of wmp7. Motivation to do so would be to universalize the interface to recognize any format.

As per claim 5, which is dependent on claim 1, the modified Kullick discloses updating the set of client media access data by adding remote media access data received from the remote device (Kullick, Column 6 lines 10-17), for replacing client media format access data with corresponding remote media access data received from the remote device (Kullick, Column 6 lines 29-31) and for deleting client media access data (Kullick, Column 6 lines 25-27). Kullick fails to distinctly point out a client media format controller, however wmp7 teaches a client media format controller (figure 2 item 10;*wherein the controller is responsible for all media access data as shown*). Therefore it would have been obvious to an artisan at the time of the invention to combine the

modified Kullick system with the teaching of wmp7. Motivation to do so would have been to regulate all of the media access format data sent to and from the remote device.

As per claim 6, which is dependent on claim 1, the modified Kullick discloses a system comprising a client program module controller for updating the set of client program modules by adding remote program modules received from the remote device (Kullick, Column 6 lines 10-17) for replacing client program modules with corresponding remote program modules received from the remote device (Kullick, Column lines 29-31), and for deleting client program modules (Kullick, Column 6 lines 25 -27).

As per claim 10, which is dependent on claim 1, the modified Kullick fails to distinctly point out a graphical user interface. However, wmp7 teaches a system comprising a graphical user interface comprising: means for selecting media files to be access by the system (Figure 7 item 510); means for controlling the appearance of the GUI, wherein the GUI is customizable such that a user can determine how the GUI is displayed (Figure 5 item 310); and means for controlling the functionality of the GUI, wherein the GUI is customizable such that a user can determine the frequency and manner of data transfers to and from the remote server(Figure 2 item 20); wherein user customizations are stored in the client storage unit as personalization data (*wherein the customizations are inherently stored as personalization data causing the appearance and updating of the interface to resemble the data*). Therefore it would have been

obvious to an artisan at the time of the invention to combine the modified Kullick system

with the teaching of wmp7. Motivation to do so would have been to make the system

more aseptically pleasing to and easier to interact with.

As per claim 11, which is dependent on claim 10, the modified Kullick fails to

distinctly point out a system wherein the processor accesses the content of the media

files according to the store personalization data. However, wmp7 teaches accessing the

content of the media files according to the stored personalization data (Figure 4 item

210). Therefore it would have been obvious to an artisan at the time of the invention to

combine the modified Kullick with the teaching of wmp7. Motivation to do so would have

been to only access those files according to the user to eliminate any unwanted media

types.

As per claim 12, which is dependent on claim 10, the modified Kullick discloses a

system wherein the GUI displays a roster of the set of client media formats in a user-

readable format (wmp7, Figure 4 item 210).

As per claim 13, which is dependent on claim 12, the modified Kullick discloses a

system where the roster includes the status of the client data (Kullick, Column 6 lines

54-61).

As per claim 14, which is dependent on claim 10, the modified Kullick discloses a

system wherein the GUI further comprises a graphic equalizer (wmp7, Figure 3 item

130).

As per claim 15, which is dependent on claim 10, the modified Kullick discloses a

system wherein the GUI further comprises a viewing area (wmp7, Figure 3 item 130).

As per claim 16, which is dependent on claim 16, the modified Kullick discloses a client transmitter transmits the stored personalization data to the remote device and the remote device stores the personalization data in a remote storage unit (wmp7, Figure 2 item 30; wherein sites must store the data to be able to uniquely identify).

As per claim 17, which is dependent on claim 5, the modified Kullick discloses a system wherein the client media format controller replaces client media format data when corresponding remote media format access data is received from the remote device (Kullick, Column 4 lines 30-36).

As per claim 18, which is dependent on claim 17, the modified Kullick discloses a system where the client media format controller replaces client media format access data if the corresponding remote media format access data is a newer version (Kullick, Column 4 lines 30-36).

As per claim 19, which is dependent on claim 17, the modified Kullick discloses a system wherein the client media format controller replaces client media format access data if the client media format access data is damaged (Kullick, Column 4 lines 45-58).

As per claim 20, which is dependent on claim 6, the modified Kullick fails to disclose replacing a program module according to personalization information. However, wmp7 teaches replacing a client program module according to personalization data (Figure 2 item 20). Therefore, it would have been obvious to an artisan at the time of the invention to combine the modified system of Kullick with the teaching of wmp7. Motivation to do so would have been to only allow updates when the users allows them saving on constant downloading time.

As per claim 21, which is dependent on claim 6, the modified Kullick discloses a

system wherein the client program module controller replaces a client program module

when a corresponding remote program module is received from the remote device

(Column 4 lines 30-36).

As per claim 22, which is dependent on claim 21, the modified Kullick discloses a

system wherein the client program module controller replaces a client program module

if the corresponding remote program module is a newer version (Column 4 lines 30-36).

As per claim 23, which is dependent on claim 21, the modified Kullick discloses a

system wherein the client program module controller replaces a client program module

if the client program module is damaged (Column 4 lines 45-48).

As per independent claim 32, the Kullick discloses a method of displaying

content of media files, comprising: connecting the client device to a communications

network Kullick Column 3 lines 29-32); comparing the set of client media format access

data to a set of remote media format access data (Kullick, Column 4 lines 5-7);

downloading members of a set of remote media format access data in response to the

media format comparison (Kullick, Column 4 lines 5-7); Kullick fails to distinctly point out

storing a set of media format access data or accessing the media files using the media

format access data, wherein the set of client media format access data comprises at

least one codec and wherein the at least one codec is used to access the content of the

media without associating the client media formats with the client program modules.

However, wmp7 teaches storing a set of client media format access data on a client

device (wmp7, Figure 4 item 210); storing the members of the set of remote media

format access data in the set of client media format access data on the client device; and accessing the content of the media files using the client media format access data (wmp7, Figure 4 item 210). Wmp7 also teaches access the content of the media files (Figure 8) without associating the client media formats with the client program modules (As seen as in Figure 8 a file is opened through the media player and the file is of type .mp3 and is associated with another program (Winamp), but is still accessed and played through media player (Figure 9)). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Kullick with the interface and sets of formats and modules of Media player 7. Therefore, it would have been obvious to an artisan at the time of the invention to combine Kullick's method with the teaching of wmp7. Motivation to do so would have been organize and utilize the data in a proficient way.

As per claim 33, which is dependent on claim 32, the modified Kullick discloses a method comprising: comparing a set of client program modules to a set of remote program modules (Kullick, Column 4 lines 5-7); downloading members of a set of remote program modules in response to the program module comparison (Kullick, Column 4 lines 9-11); and storing the members of the set of remote program modules in the set of client program modules on the client device (Kullick, Column 6 lines 10-17).

As per claim 36, which is dependent on claim 32, the modified Kullick fails to disclose personalizing a GUI and storing the personalization data. However, wmp7 teaches implementing customizations to the appearance and functionality of a graphical user interface (GUI) and storing the customizations as personalization data (Figure 5

items 310 and 320;*wmp saves user settings such as format and skin information so that they can be rendered at an alternate encounter).* Therefore it would have been obvious to combine the modified method of Kullick with the teaching of wmp7. Motivation to do so would have been to make the GUI more aseptically pleasing.

As per claim 38, which is dependent on claim 36, the modified Kullick fails to distinctly point out downloading remote media according to the personalization data. However, wmp7 teaches downloading members of the set of remote media format access data according to the personalization data (Figure 2 items 10, 20). Therefore it would have been obvious to combine the modified method of Kullick with the teaching of wmp7. Motivation to do so would have been to limit the downloading time by only downloading those members, which are pertinent to the user.

As per claim 39, which is dependent on claim 32, the modified Kullick fails to disclose personalizing a GUI and storing the personalization data and downloading remote media according to the personalization data. However, wmp7 teaches implementing customizations to the appearance and functionality of a graphical user interface (GUI) and storing the customizations as personalization data (Figure 5 items 310 and 320;*wmp saves user settings such as format and skin information so that they can be rendered at an alternate encounter* and downloading members of the set of remote media format access data according to the personalization data (Figure 2 items 10, 20). Therefore it would have been obvious to combine the modified method of Kullick with the teaching of wmp7. Motivation to do so would have been to make the GUI more aseptically pleasing.

As per claim 40, which is dependent on claim 32, the modified Kullick discloses a

method comprising transmitting data to a remote device (Kullick, Column 3 lines 25-32).

As per claim 43, which is dependent on claim 32, the modified Kullick discloses a

method wherein storing the members of the set of remote media format access data

further comprises deleting corresponding members of the set of client media format

access data previously stored on the client device (Kullick, Column 6 lines 25-34).

As per claim 44, which is dependent on claim 33, the modified Kullick discloses a

method wherein storing the members of the set of remote program modules further

comprises deleting corresponding members of the set of client program modules

previously stored on the client device (Kullick, Column 6 lines 25-34).

As per claim independent claim 45, Kullick discloses a method of maintaining

and distributing media format access data comprising: storing the set of remote data on

a remote server (Column 3 lines 63-65); storing additional data in the set of remote

media formats by obtaining the additional data (Column 6 lines 13-17); and downloading

data to a client device (Column 4 lines 9-11). However Kullick fails to distinctly point out

remote media format data, and wherein the set of client media format access data

comprises at least one codec and wherein the at least one codec is used to access the

content of the media without associating the client media formats with the client

program modules. However, wmp7 teaches media format access data (Figure 4 item

210) and wmp7 also teaches a set of client media format access data (Figure 2 item

210) and a set of client program modules (Figure 6; *wherein modules include media

player, equalizer, track list*). Wmp7 also teaches access the content of the media files

(Figure 8) without associating the client media formats with the client program modules

(As seen as in Figure 8 a file is opened through the media player and the file is of type

.mp3 and is associated with another program (i.e. Winamp), but is still accessed and

played through media player (Figure 9)). Therefore it would have been obvious to

combine the method of Kullick with the teaching of wmp7. Motivation to do so would

have been to organize the storing and downloading of the media access data.

As per claim 46, which is dependent on claim 45, the modified Kullick discloses a

method wherein obtaining the additional media format access data further comprises

retrieving media format access data that have no corresponding members in the set of

remote media format access data (Kullick, Column 4 lines 30-36).

As per claim 47, which is dependent on claim 45, the modified Kullick discloses a

method wherein obtaining the additional media format access data further comprises

retrieving media format access data that are newer than the corresponding members of

the set of remote media format access data (Kullick, Column 6 lines 13-17).

As per claim 52, which is dependent on claim 45, the modified Kullick discloses a

method compiling a set of remote program modules (Kullick, Column 3 lines 63-65);

storing the set of remote program modules on the remote server (Kullick, Column 3

lines 63-65); and storing additional remote program modules on the remote server by

adding program modules that have no corresponding members in the set of remote

program modules (Kullick, Column 3 lines 63-65;*wherein all new updated versions are*

stored).

As per claim 53, which is dependent on claim 52, the modified Kullick fails to distinctly point out personalization data. However, wmp7 teaches status data further including user personalization data (Figure 2 items 10, 20). Therefore it would have been obvious to combine the modified method of Kullick with the teaching of wmp7. Motivation to do so would have been to limit the downloading time by only downloading those members, which are pertinent to the user.

As per claim 57, which is dependent on claim 45, the modified Kullick discloses a method wherein downloading data to the client device is initiated by the client device (Kullick, Column 3 lines 55-57).

Claim 58 is similar to scope to claim 32, and is therefore rejected under similar rationale.

Claim 59 is similar to scope to claim 33, and is therefore rejected under similar rationale.

Claim 62 is similar to scope to claim 36, and is therefore rejected under similar rationale.

Claim 64 is similar to scope to claim 38, and is therefore rejected under similar rationale.

Claim 65 is similar to scope to claim 39, and is therefore rejected under similar rationale.

Claim 66 is similar to scope to claim 40, and is therefore rejected under similar rationale.

As per claim 69, which is dependent on claim 58, the modified Kullick discloses a method wherein storing the members of the set of remote media format access data further comprises deleting corresponding members of the set of client media format access data previously stored on the client device (Column 6 lines 25-34); and wherein storing the members of the set of remote program modules further comprises deleting corresponding members of the set of client program modules previously stored on the client device (Column 6 lines 25-34).

Claim 70 is similar to scope to claim 45, and is therefore rejected under similar rationale.

Claim 71 is similar to scope to claim 46, and is therefore rejected under similar rationale.

Claim 72 is similar to scope to claim 47, and is therefore rejected under similar rationale.

Claim 77 is similar to scope to claim 52, and is therefore rejected under similar rationale.

Claim 78 is similar to scope to claim 53, and is therefore rejected under similar rationale.

Claim 82 is similar to scope to claim 57, and is therefore rejected under similar rationale.

1.   Claims 56,81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) in view of Windows Media Player 7 ("wmp7")

As per claim 56, which is dependent on claim 45, the modified Kullick fails to disclose downloading initiated by the remote server. However, Official Notice is taken that server initiated downloads are well known in the art some examples include: a remote booting system where the boot commands are sent by the server to a terminal to initiate a boot sequence or a network administrator "forcing" updates to its network via the server. Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with server initiated downloads. Motivation to do so would have been to eliminate the burden from the user to download updates.

Claim 81 is similar to scope to claim 56, and is therefore rejected under similar rationale.

2.   Claims 3, 41, 50, 67, 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) in view of Windows Media Player 7 ("wmp7") in further view of Fox et al ("Fox", US# 5,790,677).

As per claim 3, which is dependent on claim 1, the modified Kullick fails to disclose client identifying data and billing information. However, Fox teaches a system wherein client data transmitted to the remote device includes identifying data (Column 8 lines 39-42) and billing information (Column 7 lines 52-58). Therefore it would have

been obvious to combine the modified system of Kullick with the teachings of Fox.

Motivation to do so would have been to uniquely identify the user for security purposes.

Claims 41,50,67,75 are similar to scope to claim 3, and are therefore rejected

under similar rationale.

3.   Claims 4, 24-25,27,28,34,35,42,54,55,60,61,68,79,80 are rejected under 35

U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) in view of

Windows Media Player 7 ("wmp7") in further view of Menezes ("Menezes", Handbook of

Applied Cryptography)

As per claim 4, which is dependent on claim 4, the modified Kullick fails to

distinctly point out an encryption system. However, Menezes teaches a system

comprising: a decrypter for decrypting the remote data (Figure 1.11 Bob) and an

encrypter for encrypting the client data prior to transferring the client data to the remote

device (Figure 1.11 Alice). Therefore it would have been obvious to an artisan at the

time of the invention to combine the modified Kullick with the teaching of Menezes.

Motivation to do so would have been to allow for secure transfer over an unsecured

channel.

As per independent claim 24, Kullick discloses a remote program module

controller for compiling and updating a set of remote program modules (Column 3 lines

58-65); a remote storage unit for storing the remote media format access data and the

set of remote program modules (Column 3 lines 63-65); and a remote transmitter for

transmitting remote format access data and remote program modules to at least one

client device that is connected to the communications network (Column 3 lines 26-32).

Kullick fails to disclose a set of remote media formats, and wherein the set of client

media format access data comprises at least one codec and wherein the at least one

codec is used to access the content of the media without associating the client media

formats with the client program modules. However, wmp7 teaches a remote media

format controller for compiling remote media format access data usable for accessing

the content of a set of remote media formats (Figure 4 item 210, and for updating the

remote media format access data (Figure 2 item 10). Wmp7 also teaches a set of client

media format access data (Figure 2 item 210) and a set of client program modules

(Figure 6; *wherein modules include media player, equalizer, track list*). Wmp7 also

teaches access the content of the media files (Figure 8) without associating the client

media formats with the client program modules (As seen as in Figure 8 a file is opened

through the media player and the file is of type .mp3 and is associated with another

program (Winamp), but is still accessed and played through media player (Figure 9)).

Therefore, it would have been obvious to an artisan at the time of the invention to

combine the system of the modified Kullick with the teaching of wmp7. Motivation to do

so would be to universalize the interface to recognize any format. The modified Kullick

fails to distinctly point out an encryption system. However, Menezes teaches a system

comprising: a remote encrypter for encrypting the data and the program modules

(Figure 1.11 Alice). Therefore it would have been obvious to an artisan at the time of the

invention to combine the modified Kullick with the teaching of Menezes. Motivation to do

so would have been to allow for secure transfer over an unsecured channel.

As per claim 25, which is dependent on claim 25, the modified Kullick fails to disclose a decrypter for the data. However, Menezes teaches a system comprising a remote receiver for receiving client data from the client device; and a remote decrypter for decrypting the client data (Figure 1.11 Bob). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Menezes. Motivation to do so would have been to allow for secure transfer over an unsecured channel.

As per claim 27, which is dependent on claim 25, the modified Kullick discloses a system wherein the remote receiver is for uploading data indicating the status of client media format access data stored on the client device (Kullick, Column 7 lines 9-14) and wherein the remote transmitter is for downloading the remote media format access data to the client device according to the uploaded status data (Kullick, Column 7 lines 15-17).

As per claim 28, which is dependent on claim 25, the modified Kullick discloses a system wherein the remote receiver is for uploading data indicating the status of client program modules stored on the client device (Kullick, Column 7 lines 9-14) and wherein the remote transmitter is for downloading the remote program modules to the client device according to the uploaded status data (Kullick, Column 7 lines 15-17).

As per claim 34, which is dependent on claim 32, the modified Kullick fails to distinctly point out decrypting of information. However, Menezes teaches decrypting the members of the set of remote media format access data (Figure 1.11 Bob). Therefore it would have been obvious to an artisan at the time of the invention to combine the

modified Kullick with the teaching of Menezes. Motivation to do so would have been to

allow for secure transfer over an unsecured channel.

As per claim 35, which is dependent on claim 32, the modified Kullick fails to

distinctly point out decrypting of information. However, Menezes teaches decrypting the

members of the set of remote program modules (Figure 1.11 Bob). Therefore it would

have been obvious to an artisan at the time of the invention to combine the modified

Kullick with the teaching of Menezes. Motivation to do so would have been to allow for

secure transfer over an unsecured channel.

As per claim 42, which is dependent on claim 40, the modified Kullick fails to

distinctly point out encrypting of information. However, Menezes teaches a method

wherein transmitting data comprises encrypting the data (Figure 1.11 Alice). Therefore it

would have been obvious to an artisan at the time of the invention to combine the

modified Kullick with the teaching of Menezes. Motivation to do so would have been to

allow for secure transfer over an unsecured channel.

As per claim 54, which is dependent on claim 52, the modified Kullick fails to

distinctly point out encrypting of information. However, Menezes teaches encrypting

data downloaded from the remote server (Figure 1.11 Alice) Therefore it would have

been obvious to an artisan at the time of the invention to combine the modified Kullick

with the teaching of Menezes. Motivation to do so would have been to allow for secure

transfer over an unsecured channel.

As per claim 55, which is dependent on claim 52, the modified Kullick fails to

distinctly point out decrypting of information. However, Menezes teaches decrypting the

data uploaded to the remote server (Figure 1.11 Bob). Therefore it would have been

obvious to an artisan at the time of the invention to combine the modified Kullick with

the teaching of Menezes. Motivation to do so would have been to allow for secure

transfer over an unsecured channel.

Claim 60 is similar to scope to claim 34, and is therefore rejected under similar

rationale.

Claim 61 is similar to scope to claim 35, and is therefore rejected under similar

rationale.

Claim 68 is similar to scope to claim 42, and is therefore rejected under similar

rationale.

Claim 79 is similar to scope to claim 54, and is therefore rejected under similar

rationale.

Claim 80 is similar to scope to claim 55, and is therefore rejected under similar

rationale.

4.   Claims 7, 8, 48, 51, 73, 76 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kullick ("Kullick", US# 5,732,275) in view of Windows Media Player 7

("wmp7") in further view of Sakanishi ("Sakanishi", US# 6,678,888).

As per claim 7, which is dependent on claim 5, the modified Kullick fails to

disclose downloading upon an inquiry. However, Sakanishi teaches a system wherein

the client media format controller updates the set of client media formats and associated

client media format access data upon receiving an inquiry from the remote device (Column 5 lines 56-62). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Sakanishi. Motivation to do so would have been to ensure the proper updates were taking place.

As per claim 8, which is dependent on claim 5, the modified Kullick fails to disclose downloading upon an inquiry. However, Sakanishi teaches a system wherein the client program module controller updates the set of client program modules upon receiving an inquiry from the remote device (Column 5 lines 56-62). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Sakanishi. Motivation to do so would have been to ensure the proper updates were taking place.

As per claim 48, which is dependent on claim 45, the modified Kullick fails to disclose uploading status data for downloading data. However, Sakanishi teaches a method comprising uploading status data from the client device where the status data indicates the status of a set of client media format access data, and wherein downloading data to the client device further comprises downloading data to the client device according to the status data (Column 5 lines 56-62). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Sakanishi. Motivation to do so would have been to download only the updates, which have not been downloaded, are downloaded to eliminate unnecessary downloads.

As per claim 51, which is dependent on claim 45, the modified Kullick fails to disclose uploading status data for downloading data. However, Sakanishi teaches a method wherein uploading status data further comprises uploading a result of a comparison of the set of remote media format access data to the set of client media format access data (Column 5 lines 56-62). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Sakanishi. Motivation to do so would have been to download only the updates, which have not been downloaded, are downloaded to eliminate unnecessary downloads.

Claim 73 is similar to scope to claim 48, and is therefore rejected under similar rationale.

Claim 76 is similar to scope to claim 51, and is therefore rejected under similar rationale.

5.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) in view of Windows Media Player 7 ("wmp7") in further view of Capps et al ("Capps", US2002/0082730).

As per claim 9, which is dependent on claim 1, the modified Kullick fails to disclose a network interface for interfacing with the Internet. However, Capps teaches a network interface for interfacing with the Internet ([0031] lines 7-11). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Capps. Motivation to do so would have been to extend the users capability to include Internet access.

6.   Claims 29-31, 37, 49, 63, 74 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kullick ("Kullick", US# 5,732,275) in view of Windows Media Player 7

("wmp7") in further view of Yale ("Yale", US 2002/0091764).

As per claim 29, which is dependent on claim 25, the modified Kullick fails to

distinctly point out uploading personalization data. However, Yale teaches a system

wherein the remote receiver is for uploading user personalization data ([0043] lines 7-

12) and the remote transmitter is for downloading remote media format access data and

remote program modules according to the user personalization data ([0044] lines 9-11;

wherein the transmission of files is a result of a user preference). Therefore it would

have been obvious to an artisan at the time of the invention to combine the modified

Kullick with the teaching of Yale. Motivation to do so would have been to so would have

been to add an element, which makes the interface unique to each user.

As per claim 30, which is dependent on claim 29, the modified Kullick discloses a

system, wherein the personalization data further controls the frequency and manner of

downloading and storage of the remote program modules, and the personalization data

controls the links to the media files (wmp7, Figure 2 items 10,20)

As per claim 31, which is dependent on claim 30, the modified Kullick fails to

distinctly point out uploading personalization data. However, Yale teaches a system

wherein the remote storage unit further functions to store the personalization data

([0043] lines 13-15). Therefore it would have been obvious to an artisan at the time of

the invention to combine the modified Kullick with the teaching of Yale. Motivation to do

so would have been to so would have been to add an element, which makes the interface unique to each user.

As per claim 37, which is dependent on claim 36, the modified Kullick fails to distinctly point out transmitting personalization data. However, Yale teaches a method comprising transmitting the personalization data to a remote device ([0043] lines 13-15). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Yale. Motivation to do so would have been to so would have been to add an element, which makes the interface unique to each user.

As per claim 49, which is dependent on claim 45, the modified Kullick fails to distinctly point out transmitting data over the Internet. However, Yale teaches a method wherein downloading data comprises transmitting the data over the Internet. Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Yale. Motivation to do so would have been to utilize the well-known established connections such as the Internet.

Claim 63 is similar to scope to claim 37, and is therefore rejected under similar rationale.

Claim 74 is similar to scope to claim 49, and is therefore rejected under similar rationale.

7.   Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) in view of Windows Media Player 7 ("wmp7") in further view

of Menezes ("Menezes", Handbook of Applied Cryptography) in further view of Fox et al

("Fox", US# 5,790,677).

As per claim 26, which is dependent on claim 1, the modified Kullick fails to

disclose client identifying data and billing information. However, Fox teaches a system

wherein client data transmitted to the remote device includes identifying data (Column 8

lines 39-42) and billing information (Column 7 lines 52-58). Therefore it would have

been obvious to combine the modified system of Kullick with the teachings of Fox.

Motivation to do so would have been to uniquely identify the user for security purposes.

Response to Arguments

Applicant's arguments with respect to claims 1-82 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

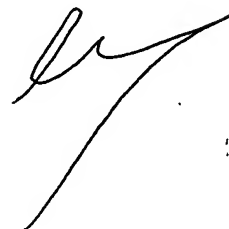than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-

4071. The examiner can normally be reached on 7:00am - 4:30pm Monday through

Thursday-Th, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

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Ryan Pitaro
Art Unit 2174
Patent Examiner

RFP